

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

L.H., Jr., <i>et al.</i> ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO.: 3:07-CV-300-TS
	)	
SOCIAL SECURITY	)	
ADMINISTRATION,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff L.H. Jr. appeals the Commissioner's final decision denying his application for disability insurance benefits. The Court referred this matter to Magistrate Judge Christopher A. Nuechterlein for a report and recommendation on November 15, 2007. On June 6, 2008, Magistrate Judge Nuechterlein filed his Report and Recommendation recommending that the L.H.'s request for remand of the Commissioner's decision be reversed and remanded because the Administrative Law Judge's determinations were not supported by substantial evidence.

This Court's review of the Magistrate's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

The statute requires objections to the Magistrate's Report and Recommendations to be made within ten days of service of a copy of the Report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate's report and recommendation and the

district court's resolution of any objections). The Commissioner has not objected to the Report and Recommendation.

Having reviewed the Report and Recommendation prepared by the magistrate, the Court ADOPTS the Report and Recommendation [DE 17] and ACCEPTS the recommended disposition. Accordingly, the decision of the Commissioner's is REVERSED and REMANDED pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED on July 15, 2008.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT